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Marilyn Burgess - District Clerk Harris County

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By: Joshua Hall

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CAUSE NO. _____

David Hole § IN THE DISTRICT COURT OF
Plaintiff §
v. § HARRIS COUNTY, TEXAS
W&T Offshore, Inc. §
Defendant § _____ JUDICIAL DISTRICT

Original Petition

David Hole ("Plaintiff") complains of W&T Offshore, Inc. ("Defendant") and would show the court the following:

I.

Jurisdiction

1. Plaintiff's claims against Defendant arise under general maritime law. This action is not removable because general maritime law does not create federal question jurisdiction and diversity is lacking.

II.

Venue

2. Venue is proper in this County because Defendant is principally based here.

III.

Discovery Level

3. Discovery in this matter may be conducted under Level 3 of the Texas Rules of Civil Procedure.

IV.

Parties

4. Plaintiff is a resident of Texas.
5. W&T Offshore, Inc. is a Texas corporation with its corporate headquarters located at 5718 Westheimer Road, Suite 700, Houston, Texas 77057. It may be served through its registered agent CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

V.

Nature of Action

6. On or about July 25, 2021, Plaintiff was employed by CCI and was working aboard the EW-910, which is owned and operated by W&T Offshore. On that date, Plaintiff stepped out of the galley onto a step that was not visually marked and not wide. His foot came off the step causing him to break his ankle. He has since had major surgery to repair the broken bones. Notably, Plaintiff was told that another person had fallen in the same spoke about a week prior. Moreover, W&T has not visibly marked the step with red paint.

7. Defendant is negligent and grossly negligent for the following reasons:

- a. failing to train its employees;
- b. failing to inspect, maintain, and repair equipment;
- c. failing to maintain a safe work environment;
- d. failing to provide appropriate medical attention;
- e. failing to warn Plaintiff of dangers hidden aboard the EW-910;
- f. other acts deemed negligent and grossly negligent.

8. As a result of said occurrence, Plaintiff severe injury to his body. His earning

capacity has been severely diminished if not eliminated altogether. Further, he has incurred substantial medical and pharmaceutical costs.

9. Plaintiff sustained severe injuries to his body, which resulted in physical pain, mental anguish, and other medical problems. Plaintiff has sustained severe pain, physical impairment, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiff's physical pain, physical impairment and mental anguish will continue indefinitely. Plaintiff has also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will incur pharmaceutical and medical expenses in connection with his injuries.

VI.

First Set of Discovery to Defendant

10. Plaintiff notifies each Defendant that their Initial Disclosures are due no later than 30 days after their original answer to this petition is due. Defendants may request Plaintiff to provide Plaintiff's First Set of Discovery Requests in advance of this deadline by emailing the undersigned counsel.

VII.

Jury Trial

11. Plaintiff hereby requests a trial by jury on all claims and submits his jury fee herewith.

VIII.

Prayer

Plaintiff prays that this citation issue and be served upon Defendant in a form and manner prescribed by law, requiring that the Defendant appear and answer, and that upon final

hearing, Plaintiff has judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, and all such other and further relief, to which Plaintiff show himself justly entitled, which include:

- Past and future medical damages;
- Past and future loss of earning capacity;
- Past and future physical pain and suffering and mental anguish;
- Past and future impairment;
- Past and future disfigurement;

Respectfully submitted,

PIERCE SKRABANEK, PLLC

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